WINS ON A CONSTITUTIONAL POINT

Decision of Lower Court is Reversed and Case is Dismissed, But City Attorney Connell Will File Motion for Rehearing.

The case of the mayor and the city council of the city of Omaha against Samuel I. Gordon, police judge, which was decided against the latter in Judge Dickinson's court, was reversed and dismissed by the supreme court Wednesday afternoon. The higher court held that the law conferring the power of removal of police judges upon the district court in counties containing

netropolitan cities was unconstitutional. When he was removed from office by Judge Dickinson, upon charges preferred by the mayor and city council at the request of the Board of Education, Judge Learn was appointed by the mayor and confirmed by the council and has been acting police judge since.

Gordon is in High Glee.

Judge Gordon was happy when he heard of the supreme court's decision. He said only two weeks ago. One cause for regret on the judge's part was that the supreme court did not pass upon the point suspended sentences, which was the him from office.

The judge says he still believes he was right in suspending sentences whenever prevent him from doing so when he re- expressed great confidence in him. sumes his place. In regard to the latter point he was not quite sure of the time. He said he supposed that the city attorney would insist upon the forty days allowed by the supreme court before its mandates ecome effective and that he could not take the office until that time had expired. City Attorney Connell Talks.

"As I understand the decision of the said City Attorney Connell last night, "it does not take into consideration the evidence in the case tried in the dis trict court, but decided the matter in favor of Judge Gordon on the law enacted by the legislature at the last session, wherein power is conferred upon the district court in counties containing a city of the metroontaining a metropolitan city a different that he is to command a regiment. turisdiction and a greater power than that same condition. The decision will not only and he is as hearty as ever now. affect the officers of the city and their re-

in its effect. 'As soon as I have had an opportunity always welcome. not enter upon the discharge of the duties of the office.

No Way for Removal. 'As we stand at present there is no way by which an officer of the city can be re-moved for malfeasance. Under this decision each one is free to do as he pleases without a fear of removal. If this is really the condition the law will have to be amended and between now and the time the supreme court acts upon the motion for a rehearing the legislature may pro-

vide a new method for the removal of officers by an amendment to the city charter. 'No, the judge cannot go into office tomorrow and he will be in luck if he ever does. Of course if the decision stands the city will have to pay him for the time that Judge Learn has served, but not at the rate of \$2,500 per annum. He will have to take the amount provided by the charter from the time that he began his second term. But I do not believe the opinion will stand on a rehearing."

MRS. J. H. MILLARD'S WILL

It Disposes of Estate Valued at \$17,000 and Mr. Millard Asks that it Be Probated.

Joseph H. Millard has petitioned the county court to probate the will of Mrs.
Millard and appoint him as administrator.
Mrs. Millard's estate is estimated to be worth about \$17,000 and the heirs are the widower. William B. Millard, a son, and Miss Jessie H. Millard, a daughter.

William Sutherland, the 18-year-old boy accidentally injured at the foot of the Sixteenth street viaduct Tuesday evening is still unconscious at St. Joseph's hospital. Millard, a daughter. county court to probate the will of Mrs. Miss Jessie H. Millard, a daughter.

Mortality Statistics.

The following deaths and births were re-ported to the city health commissioner for the twenty-four hours ending at noon Wednesday:
Births George Goedeels, 939 North Twenty-fourth, girl; A. J. Dole, 1831 North Thirty-fourth, boy; Fred W. Peters, 804 Howard, boy; Patrick Fuller, 2712 Hickory, boy; John McClurg, 2215 North Twenty-afth boy bey; John McChars, fifth, boy. Deaths Mrs. Anna King, 2624 North Eigh-teenth, aged 40; Mrs. Ida S. Berg, 2602 Chi-cago, aged 40; R. I. Thew, St. Joseph's hospital, aged 55.

80 and Not Gray

"I have used Aver's Hair Vigor for a great many years, and although I am past eighty years of age, yet I have not a gray hair in my head."-GEO. YELLOTT, Towson, Md., Aug.

3, 1899. Ayer's Hair Vigor always restores color to gray hair. We know exactly what we are saying when we use that word "always."

It makes the hair grow heavy and long, too, and stops falling of the hair. Keep it on your dressing - table and use it as directed.

One dollar a bottle.

If your druggist cannot supply you, send us \$1.00 and we will express a bottle to you, all charges prepaid. Be sure and give us your nearest express office. J. C. AVER Co., Lowell. Mass.

Send for our handsome book on The Hair.

SURPRISES OFFICERS HERE

Report of Resignation of President Perkins and Elevation of Vice President Harris Unexpected.

The dispatch from Boston telling of the hange in the head officers of the Burlington system came as a surprise to the of ficers residing here and at first was dir-

"It is the first I have heard of it," said General Sinager Holdrege yesterday after-"I saw both President Perkins and noon. Vice President Harris just a few days ago, but nothing was said about Mr. Perkins re signing nor the elevation of Mr. Harris to the presidency. I don't see how it could be possible that the news could be true, but still it may be. As I had not heard of it and have not discussed it, I cannot say anything about the possibilities which may result nor of the changes which may follow.

The action of the Burlington is in line with that of the other large roads. In the other systems a decided change has occurred within the last few years and now the chairman of the board of trustees is usually the financial man of the organization, the one who directs the policy of shape the policy and the financiering of the road.

In the days when C. E. Perkins was chosen president of the Burlington the had never felt a doubt that he would president was the man who stood at the ultimately get a favorable decision, but head of the road and was the most influenhe had not expected the court to reach tial figure. In recent years Mr. Perkins the case so soon, as, it had been submitted has relinquished many of the details of the management and has occupied a posttion closely related to that of chairman of the board in other systems.

The election of Vice President George B. one upon which the district court removed | Harris to the presidency is a recognition of the faithful and valued service he has derailed. given the road. A high official of another road, in this city yesterday, referring to and wherever he thought best and that the change, spoke very highly of Mr. Harris there is nothing in the court's decision to and his ability as an executive officer and

This change in the head officers may mean a move along the line, but nothing could be learned locally on this point last night. It is presumed that W. C. Brown, who has been the general manager in Chicago for several years, will become the vice president.

WELL KNOWN IN THIS CITY

New Commander of the Twenty-Ninth Regiment Has Wide Circle of Friends in Omaha.

Lieutenant Colonel, A. W. Corliss, who has been designated by the War department to command the Twenty-ninth regipolitan class to try such cases. The ment of infantry now being recruited with court has held, as I learn, that this law is a rendezvous at Fort Sheridan, Ill., is This is taken to indicate that the natives unconstitutional for the reason that it well known in Omaha. He has many are concealing such cases. grants to the district courts in countles friends here who will be picased to learn Colonel Corliss won the silver leaf by

possessed by similar courts in counties hard work and meritorious service in Cuba. which contain no such cities. If I have He was severely wounded while heading a been correctly informed the decision of detachment of troops of the Eighth United the court, if it is permitted to stand, will States infantry at San Juan and was carhave a far-reaching effect, as many of ried almost dead from the field. His the laws governing this city are in the rugged constitution pulled him through

During his service with the Eighth in casional visits to this city, where he was

bars and then was made a major. Since assured. his return from Cuba Colonel Corliss' promotion has been rapid and he is destined to command one of the best regiments that will cross the Pacific.

Had to Conquer or Die. "I was just about gone," writes Mrs. Rosa Richardson of Laurel Springs, N. C., "I had consumption so bad that the best doctors said I could not live more than a month, but I began to use Dr. King's New Discovery and was wholly cured by seven bottles and am now stout and well." It's an unrivaled life-saver in consumption, pneumonia, la grippe and bronchitis; infallible for coughs, colds, asthma, hay fever, croup or whooping cough. Guaran-teed bottles 50c and \$1.00. Trial bottles

free at Kuhn & Co.'s drug store. Marriage Licenses. The following marriage licenses were is sued yesterday: Name and Residence.
John R. Moody, Denver, Colo.........
Gertrude Corlick, Omaha

Still Unconscious.

When the breath is foul and the appetite disordered Prickly Ash Bitters is the remedy needed. It purifies the stomach, liver and bowels, sweetens the breath, promotes

vigor and cheerfulness. PERSONAL PARAGRAPHS.

P. J. Murphy of Rogers is at the Mur-Sonnenschein of West Point is at the C. W. Turner and W. F. Currie of Lin-coln, T. J. Hatfield of York and E. W. Power of Wymore are state guests at the Her Grand.

Her Grand.

Nebraskans at the Merchants: J. B. O'Brien and son and T. H. Elsner of Loup City, Mr. and Mrs. J. B. Hughes of Cozad, T. J. Brownfield of Lincoln, J. H. Bennett of McCook, P. J. Murray of Greeley, A. F. Bloomer of York, H. C. Graham of Grand Island, J. B. Thomas of Lyons, Theodore Philippi of Bruning, F. S. Cary of Kenesaw and W. F. Heyl of Platte Center.

"GREAT PUFF" Mixture, the finest tobacco for Pipes and Cigarettes. "GREAT PUFF" MIXTURE

THE REALTY MARKET. INSTRUMENTS placed on record Wednesday, February 20: Warranty Deeds.
Addie Terry to R. D. Gille, lot 12.
block 151. South Omaha, and a tract

Addie Terry to R. D. Gille, lot 12, block 151, South Omaha, and a tract adjoining
L. A. Shriver to A. W. Jones, lot 4, Holmes add.
Christ Koch and wife to W. J. Elchner, lots 1 and 2, block 24, town of Millard
C. K. Turner, and bushend to I. E. ner lots 1 and 2, block 24, town of Miliard

C. K. Turner and husband to I. E. Thomas, lots 16 and 17, block 4. Summit Reserve

Home Fire Insurance company to Farmers and Merchants' Insurance company, lot 5, block 5, Patrick's add; part lot 5, block B, Horbach's 1st add; lot 6, block 38, Omaha; w 45 feet lot 3 and all lot 4 (except w 2) feet), block 14, Improvement association; n 81 feet lot 2, block 23, Omaha; lot 8, block 2, Boggs & H.'s add; e 4 feet lot 2, block 12, Improvement association add and various other tracts

A. B. Allen et al to Albertina Sward lot 18, block 24, Walnut Hill

Mary Attridge and husband to E. R. Hume, lot 6, block 24, Carthage.

Deeds.

Deeds. Sheriff to Omaha Loan and Trust Company Savings bank, lots I3 and 14, block 5 Ames Place Sheriff to G. W. Scott, e 15 acres of n 1, set 2 mm/s 3-16-13 Total amount of transfers \$86,684 Glasgow.

KRUGER TO RETURN HOME THIRD DAY OF SHOOTING SETTLES DOWN TO BUSINESS

Beer President Said to Be Preparing to Go Beck to South Africa.

HAS MEMORIAL FOR THE PRESIDENT

Is Said to Have Just Completed War Paner to Send to Washington and to European Governments.

LONDON, Feb. 21.-Statements emanate from both Pretoria and Brussels that Mr. Kruger contemplates returning to South Africa. It is said that he has just finished writing a memorial on the war, which will be sent to the European governments and to President McKinley.

PRETORIA, Feb. 20.-Reports from Leydenburg say that Acting President Schalkenburger, adressing a gathering of Boers recently, told them he realized now that their cause was quite hopeless and that a prolongation of hostilities was futile. Perthe road. The president is the chief of sonally, he added, he would not take it upon the operating department, though of course himself to advise a surrender, but he he is in close touch with the men who would say that if surrender was inevitable it was foolish to surrender in twos and threes, as the proper course was to come to a general agreement and surrender as a nation.

LONDON, Feb. 20.-A special dispatch rom Pretoria says the Boers at Klip river February 18 derailed a train containing General Kitchener's baggage. The train was preceded by another, of which the commander-in-chief was a passenger. armored train drove off the Boers, but the latter secured the contents of the train

This second narrow escape from capture calls out newspaper warnings as to the danger of General Kitchener's rapid flittings by train from place to place. It is considered better for him to remain in Pretoria than to risk upsetting his carefully elaborated plan of campaign.

General Dewet Again Missing. As Lord Kitchener is now back in Pretoria, the inference is that General Dewet has again escaped from the supposed cor-

There is no further news of General French's pursuit of Commandant General Botha in the eastern Transvaal. COLESBURG, Feb. 20 .- A train was derailed by the Boers near Jalbosch and looted by natives. Two cars were ordered out and the Boers fired on them, killing

two persons and wounding many. CAPETOWN, Feb. 20 .- The body of a native who had died of bubonic plague has been found in a low quarter of the city.

MOSER RECEIVES SETBACK

Evidence to Prove Insanity at Time of Murder Not to Be Admitted.

PEORIA, Ill., Feb. 20.-The defense in the Moser case, on trial at Pekin, received its first setback this morning. The state placed upon the stand Henry Hoffman, a member moval, but it will affect property rights fantry he made many friends, especially of the Amish church, and the defendant's and the personal rights of the private cit- among Nebraskans, and though he was attorney, upon cross-examination, tried to Such a decision will be disastrous stationed at Fort Robinson he made oc- secure from him an admission that Moser had been ostracised by the Amish because of violating the church regulations. lieutenant and later on was promoted to he committed the crime it is maintained the one bar line. In 1873 he secured two by many that a verdict of guilty is already

Several other witnesses were on the stand during the morning and some letters written by Moser, in which he admits his west, guilt, but charges the Amish, through separating him from his family, with being responsible for the murder, were also in troduced by the state. There were a number of sharp exchanges between the attorneys this morning.

One of the witnesses examined during the one of the witnesses examined during the afternoon session, testified that at times Moser had seemed irrational. Moser told him after his arrest that he went to Utah to kill himself, because he did not care to die in the Amish community. Sheriff Mount, who brought Moser back from Mount, who brought Moser back from Utah, testified to several conversations on AMERICAN LEAGUE MEETING the way, in which the accused told of the manner of killing his family. On crossexamination he said that Moser told him the only reason why he was expelled from the Amish church was because he held his crying child on his lap during services. He testified to conversations with Moser, in which Moser blamed the church for all his trouble.

The last witness of the day was Ed Rogers, a Pekin reporter, who detailed an interview with Moser the day of his return. The important fact was that Moser told him he left the church because he could not agree with the preacher, five years ago, and that he had then made up his mind that if his wife would not leave the church and go to a new home with him, he would kill the entire family and himself.

Enos was thrown over the fence. He escaped injury. John F. Schorr has signed J. Woods to ride for his stable. church and go to a new home with him, he

PROPOSE TO REVISE TARIFF Secretary Root and Commission Open Correspondence with Wood Con-

WASHINGTON, Feb. 20 .- As a result of several conferences between the secretary of war and the Cuban economic commission correspondence has been opened with General Wood at Havana with a view to the creation of a joint commission for the revision of the tariff of Cuba.

cerning Island's Duties.

The commission probably will consist of five members, three representing the United States and two representing Cuba. Secretary Root informed the Cuban conomic commission that he would act entirely in conformity with the recommendation of General Wood on the proposition made by the commission for the removal of the entire export duty on tobacco on April 1, when, by an executive order issued by the president, a reduction of 50 per cent will be made in the export duty. At the request of the commission, the secretary authorizes the commission to communicate directly with General Wood on the subject and they at once sent him a

Pneumonta Can Be Prevented.

cable message, setting out their desires in

This disease always results from a cold or an attack of the grip and may be prevented by the timely use of Chamberlain's Cough Remedy. That remedy was extensively used during the epidemic of la grippe of the past few years, and not a single case has ever been reported that did not recover or that resulted in pneumonia, which shows it to be a certain preventive of that dangerous disease. Chamberlain's Cough Remedy has gained a world wide reputation for its cures of colds and grip. For sale by all druggists.

Movements of Ocean Vessels, Feb. 20

Movements of Ocean Vessels, Feb. 20.
At New York-Arrived-Lahn, from Bremen; Werra, from Naples, Genoa and Gibraltar; Oceanie, from Liverpool; Georgic, from Liverpool; Georgic, from Liverpool; Georgic, from Liverpool; Malestie, for Liverpool; Majestie, for Liverpool; Noord and, for Antwerp, At Hong Kong-Arrived-Gaelic, from San Francisco, via Honolulu, for Yokohama; Glen Turret, from Yokohama.
At London-Arrived-Minneapolis, from New York. York. Roston - Arrived - Samaritan, from

Crosby Makes Score of 161 Out of Possible 165 at Hot Springs.

HOT SPRINGS, Ark., Feb. 29.—The third day of the International Shooting tournament was attended by a large crowd of spectators. Sixty-five crack gen ment twee part and some good scores were made. Ten regular events at clay pigeons were shot off, besides two special double events and a live bird shoot.

Crosby won first honors today, having made a score of 161 out of a possible 165. He smashed five straight fifteens and scored straight in one event of twenty. Fred Gilbert was second, with a total of 156 out of 185. His cleanest score was three fifteens straight. Fanning was a close third, making a score of 156. He made a clean sweep of one twenty event and three cents of fifteen each. Helkes was the next highest, with a total of 154, which included four straight fifteens. Parmelee broke 169, including a sweep of one twenty and three fifteen events. Burnside made the next highest score, breaking 144 out of 165. The two special events of five doubles were won by Helkes and Slab, who made a tie score of 19. Fanning came next with 17. Gilbert 16 and Crosby 14.

Toward evening there was a special event at ten live pigeons, which was participated in by twenty-two well known wing shots. Parmelee, Slab, Gilbert, Helkes, Norton, Lindeman, Fanning, Lawton and Kimball made a clean sweep. Burnside and Crosby eath lost one dead out of bounds; frwin lost two and Parker and Mackle missed one each.

one each.

CHESS MASTERS TOURNAMENT Two More Games Decided at the Great Monte Carlo Contest-Players'

Records.

MONTE CARLO. Feb. 20.—This afternoon two additional games in the Chess Masters' tournament were decided.

Schlechter and Winawer beat Tschlegoria and Marshall, respectively, each of the winners scoring an additional half point only, as these games had to be contested a second time, the first encounter in each case ending in a draw. There are now four such drawn games to be replayed namely, the games between Winawer and Alapin and Marco and Winawer.

Following are the records of the players to date:

Alapin Gunsberg Marshall Tschigorin Winawer

ALL FIXED FOR THE FAVORITE Bets Declared Off and Horses Sun

pended at New Orleans Pending an Investigation.

NEW ORLEANS. Feb. 20.—Weather fine and track fast. Upon rumers which reached the stewards prior to the race, as well as upon the performance of the several starters in the sceeplechase, the race and all bets were declared off after the horses had finished, and the horses, Miss Ransom, Don Clarenclo, Lizzie Kelly, Terry Ranger and Divertisement, together with their owners, trainers and jockeys, were suspended pending an investigation.

Lizzie Kelly, who finished first by eight lengths, was backed from 10 to 7, and from all appearances the race was fixed in her interest. All six favorites were ocaten, though Bohui, the heavily backed s-cond choice, probably carried most of the money in his race.

SIOUX CITY IS IN THE LEAGUE

St. Joseph Signs Mike Welday of territory. Leavenworth for the Outfield.

but it was rejected.

Manager McKibben of the St. Joseph team today signed Mike Welday of Leavenworth to play in the outfield next season, Welday has played in a number of minor league teams and has the reputation of being one of the strongest outfielders in the

JEFFRIES MAY HAVE TO QUIT Surgeon Tells Him His Allment is Floating Cartilage, Which

Johnson Proposes to Pull It

March 20. PHILADELPHIA, Feb. 20.—President Ban Johnson of the American Base Ball league announced today that the schedule meeting of the league will be held at the Lafayette hotel, this city, on March 20.

Schorr Signs J. Woods. Schorr Signs J. Woods.

SAN FRANCISCO. Feb. 29.—The feature of the racing at Tanforan today was the close finishes in three of the events. The weather was fine, but the track was sloopy. Lucien Appleby took the 2-year-old race by two lengths from Legal Maxim. Vulcain beat Astor a head and Lamachus scored a neck victory in the last race. Matt Hogan was knocked down in the fifth race and Enos was thrown over the fence. He can

Grinnell Wins at Basket Ball. GRINNELL, Ia., Feb. 29.—Grinnell college defeated the University of lowa at basket ball here this afternoon, 16 to 12. The game was witnessed by a large number of Cirin-nell and visiting students.

PENSIONS FOR WESTERN VETERANS. War Survivors Remembered by the

following pensions have been granted:

following pensions have been granted:
Issue of February 4:
Nebraska: War with Spain (Original)—
Ralph C. Fields, Lincoln, \$6. Widows, etc.—
Pauline L. Murphy, Fort Crook, \$20.
Iowa: Original—Zadoc Williams, Boone,
\$8. Renewal—Hans Wuiff, Soldiers' Home,
Marshalltown, \$6. Increase—George Carson,
Des Moines, \$8: William Cline, Anamosa,
\$30. Original widows, etc.—Elizabeth Heninger, Clarinda, \$8.
South Dakota: Original—John Hjelm,
Lower Brule, \$6.
Wyoming: Original—James W. Sneck,
Sheridan, \$12.
Colorido: Original—Thomas Gannon, Dil-. Colorado: Original—Thomas Gannon, Dil-

Death of Harry Low. Harry Low died yesterday at his home, 605 North Seventeenth street, of Bright's disease. He was well known in Omaba and had many friends. He was an Englishman by birth, but had lived in Omaha for lifteen years, during which time he worked at the Turf exchange. Before coming to the city he kept a gun store and has long been interested in outdoor sports. He was active until the time he was taken sick, the first of the year, and during the last week he was able to be about. Mr. Low was a member of the Knights of Pythias, and the funeral will be under their direction Friday afternoon.

High School Notes. High School Notes.

The Omaha High school foot ball players are to give a vaudeville show this afternoon for the benefit of the athletic association. The principal turn is to be a ple eating contest for the championship of the state, mince ples to be barred.

Miss Paxson is reported to be better, but not out of danger.

Fifty lockers have been built in the nall for the use of the teachers. They give a good idea of the proposed locker system to be used in the new building for the pupils.

Charge of Larceny. Harvey Mason, a colored lad, appeared before Judge Learn Wednesday afternoon to answer to the charge of larceny from the person, lie waived examination and was bound over to the district court in the

> "GREAT PUFF" MIXTURE is not made by the Tobacco Trust: it is made in LEIDERSDORF'S UNION TOBACCO FACTORY.

South Takota Legislature Oleans Up Long List of Calendar Bills.

LEGALIZES THE INCORPORATION OF IRENE

House Kills Bill Allowing Roads Traveled Twenty Years to Become Legal Highways-Passes Bill to Protect Game.

PIERRE, S. D., Feb. 20 .- (Special Telegram.)—The house today settled down to business after its recess and cleared up a long calendar of bills which were ready for final action. The bills introduced were to define jurisdiction of county courts; repenling the law allowing counties to furnish seed grain to farmers who are not able to secure grain; turning the fees of the clerk of the supreme court into the treasury and fixing a salary of \$1,200 per year; making intoxication a misdemeano and fixing a maximum penalty of \$20 and twenty days, and a joint resolution memorializing congress for a law giving to the national government exclusive jurisdic tion over crimes committed on an India: reservation. The letter from ex-Governor Lec, returned with the chair voted to him was read and received, but ordered not printed in the journal.

The house committee on county affairs returned a favorable report on the senate bill to make county commissioners elective by the whole county. The matter of ex punging the record in regard to the wolf bounty was called up, but as the leaders of the bounty crowd were absent as members of the investigating committee, it was again put over until next week. The house concurred in the senate amendment to the bill giving the governor power to remove certain officers without giving any reason for his action, and that bill now goes to the governor for approval. The house passed the house bills defining

and providing punishment for trespass upon state lands; to appropriate \$1,000 to pay judicial expenses of Gregory county prior to its organization; providing penalties for transportation of diseased swine; legalizing the incorporation of Irene; dividing cost of keeping up repairs of bridges between township and county, and a joint resolution memorializing congress for better preservation of pine on Black Hills forest reservation. The principal bills killed were to allow countles and cities to issue refund warrants and to make a traveled road a legal highway after twenty years of travel. The senate took up most of the afternoon

in talk and concurred in the house amendments of the bill to prevent the manufacture, sale and use of cannon firecrackers and airguns after a lively tilt. The senate passed senate bills permitting further consolidation of tax levies; enlarging powers of city authorities to suppress sale of intoxicating liquors, and Sweet's liquor lieense bill, which prohibits druggists from handling liquors, which was discussed for some time and further delayed by finding an error in the engrossing, but passed by a vote of 37 to 3. Senators Leclaire, Edgerton and Bennet

were appointed a committee to draft suita ble resolutions relative to the death of Gilbert A. Pierce, former governor of the

The senate passed house bills to withhold from the advertised tax list all tracts purchased by the county until they have been to examine the opinion I will prepare a motion for a rehearing and it will be argued. The court has held that its judgments have no force nor effect until a motion for a rehearing has been disposed of. Under the rules of the court I have forty days to file my motion and until that motion is disposed of Judge Gordon cannot enter upon the discharge of the duties.

Colonel Corliss was born in Maine and the state objected to the questions and the questions and the state objected to the questions and the court sustained them. This is taken to mean that the vast amount of evidence ship in the Western league games the court sustained them. This is taken to mean that the vast amount of evidence ship in the Western league games the court sustained them. This is taken to mean that the vast amount of evidence ship in the Western league games the court sustained them. This is taken to mean that the vast amount of evidence which the attorney for the defense has a private in the Fifteenth information settled the question and that the vast amount of evidence which the attorney for the defense has a private in the Fifteenth information settled the question and that the vast amount of evidence which the attorney for the defense has a private in the Fifteenth information settled the question and that the vast amount of evidence which the attorney for the defense has a private in the Fifteenth information settled the question and that the vast amount of evidence which the attorney for the defense has a private in the Fifteenth information settled the question and that the vast amount of evidence which the attorney for the defense has a private in the Fifteenth information settled the question and that the vast amount of evidence which the attorney for the defense has a private in the Fifteenth information settled the question and that the vast amount of evidence which the attorney for the defense has a private in the Fifteenth information settled the question and that the vast amount of evidence which the attorney for the defense road by 55 per cent of the voters, and a memorial to congress for an interstate drainage canal to join Big Stone lake and Lake Traverse.

The senate passed senate bills requiring deposit before beginning action on tax leeds and fixing the manner of levies for town libraries.

OMAHA MAN IS PRESIDENT

Hon. Daniel H. Wheeler at Head o Western Masons' Mutual Life Association.

YANKTON, S. D., Feb. 20.-(Special Telegram.)-The fifteenth annual meeting of the Western Masons' Mutual Life association occurred here this afternoon. The officers elected: President, Hon. Daniel H. Wheeler, Omaha; vice president, W. H. Edmunds, Yankton; second vice president, C. W. Pendleton, Los Angeles; secretary, Gilbert F. Stevenson, Yankton; treasurer, W. F. Livingston, M. D., Yankton. During the year 1900 the association collected \$100,-791.22 and paid for death claims \$74,000. The association has 5,000 members in good

standing and \$90,000 net assets. **EX-POSTMASTER IS ARRESTED**

Charged with Forging Name on His Wife's Bond as His Successor.

SIOUX FALLS, S. D., Feb. 20 .- (Special Telegram.) - Michael O'Shea, ex-postmaster at Running Water, was arrested this morning by Deputy United States Marshal Carleton on a charge of forging a name to a bond procured by his wife, who was appointed his successor after a shortage had been found in his accounts. O'Shea served a term in the Sioux Falls penicentlary for the first crime, committed several years General Government.

WASHINGTON, Feb. 20.—(Special.)—The charge now made against him will be held ago. A preliminary examination on the at Yankton, where he was taken.

Decision on Mortgages. PIERRE, S. D., Feb. 20 .- (Special Telegram.)-The supreme court today in an opinion by Corson, Fuller dissenting, in the case of the Commercial State bank against the Interstate Elevator company, from McCook county, holds that the provision of the law of 1895 requiring the giving of a copy of a chattel mortgage to the mortgagor and taking a receipt for the same is complied with when the receipt is a part of the instrument and the signature the mortgage is also the signature to the receipt. In the same case it is held that in giving a mortgage on a growing crop that mortgage to be valid must specify specifically the subdivision of land upon which the crop mortgaged is to be grown.

South Dakota Corporations. PIERRE, S. D., Feb. 20 .- (Special.)articles of incorporation have been filed for the Jackson Hardware company at Aberdeen with a capital of \$1,500; incorperators, J. H. Jackson, Nora Jackson and Howard Smith. For the Naples Creamery company at Naples, Clark County, with a capital of \$10,000; incorporators, John Rider, Robert Harvey, Andrew Christof-son and J. J. Huffmant. For the Tripp Hall association at Tripp, with a capital of \$500; incorporators, A. D. Long, R. H. Otto,

The Ordeal is Trying
Childbearing is a perfectly natural function, but it is robbed of its terrors where the virtue of "Mother's Friend" Childbearing is a perfectly natural function, but it is robbed of its terrors where the virtue of "Mother's Friend" is known. This unique liniment, applied



Sold by all best Druggists. Sent by

Digests

what you

Dyspepsia Cure People used to think that the only way to overcome indigestion was to stop eating, and many think so still. But the only trouble in that kind of treatment is the fact that to stop eating means to stop living, and we can hardly call that a cure, But since Kopol Dyspersia Cure has become known the whole method of treating indigestion has been changed. It digests what you eat and permits you to eat all the good food you need and gives the stomach perfect rest; and its use constitutes a plain common sense method of curing dyspepsia and indigestion.

It can't help but do you good Prepared by E. C. DeWitt & Co., Chicago. The \$1. bottle contains 2% times the 50c. size.

FREE ADVICE by our Physicians and a FREE SAMPLE of our medicine also Free Home Treatment a 116 page librarited book describing symptoms and cause of diseases with best treatment, also many valuable receipts and prescriptions in plain language, saving you heavy doctor's tills, ask for it.

Dr. Kay's Renovator DR. B. J. KAY MEDICAL CO., Saratoga Springs, N. Y.

"A HANDFUL OF DIRT MAY BE A HOUSL-FUL OF SHAME." CLEAN HOUSE WITH

SAPOLIO

FINE DISTINCTION IN LAW

Owning Goods is Different from Having Possession of Goods.

COMPLAINT IN BERGGREN CASE FAILS Court Holds That Title to Goods Does Not Pass to Man Charged with Fraudulently Obtaining Them.

ing goods and having possession of goods saved Fred W. Berggren from criminal prosecution in the county court yesterday Berggren was up on a charge of having obtained about \$1,600 worth of building twine from the Kingman Implement company by false pretenses. It was alleged that he represented to the jobbing houses that his assets were considerably in excess of his liabilities, while the reverse was the true condition of his financial standing, and by such false representation secured goods

of the value of about \$1,600 from the com-The case appeared to be a clear one against Berggren until the contract he signed with the implement company before the goods were delivered to him appeared in

evidence. This contract provided that title to the goods sent to Berggren should remain in the Kingman Implement company until the full amount of the bill for same should be paid.

There was an opportunity that the counsel for the accused man did not overlook. He moved for a dismissal of the complaint H. McVay, Yankton; medical director, H. on the ground that Berggren had not obtained the goods, but had merely obtained possession of them. The title to the goods, according to the contract, remained in th Kingman company and had not passed to Berggren. If Berggren at no time owned the goods how could he be guilty of obtaining them under false pretenses, as set

forth in the complaint? Judge Vinsonhaler sustained the motion to dismiss, and Berggren walked out of court a free man, while Deputy County Attorney Dunn reflected upon the fine distinctions of the law.

Will Increase Capital Stock. PITTSBURG. Feb. 20.—The stockholders of the Westinghouse Electric company met this afternoon and decided to increase the capital stock of \$10,000,000.



Some men seem to defy old age. They walk erect. Their eyes are bright. Their laugh is hearty. They are men of to-day—not men of yesterday. They are also men who have kept themselves in good physical condition in the past. As we grow older waste matter accumulates in the accumulates in the system. The body cannot throw it off without assistance.

little by little the machinery of the body is clogged, vitality is lowered, and enjoyment of life ceases. Dr. Pierce's Golden Medical Discovery, cannot make old men young, but it does make them strong and healthy. Hall association at Tripp, with a capital of \$500; incorporators, A. D. Long, R. H. Otto, E. S. Boyd and others.

Body of Edgemont's Mayor.

EDGEMONT, S. D., Feb. 20.—(Special.)—
The body of D. K. Snively, late mayor of this city, arrived from Boise, Idaho, where he died of kidney trouble. He had been a merchant of this place a number of years.

PIERRE, S. D., Feb. 20.—(Special.)—
The city council at the last meeting 2c-cepted the resignation of I. W. Goodner as city attorney and appointed John A. Holmes to that position.

but it does make them strong and healthy. By removing the waste accumulations, by increasing the blood supply, by strength surveys increasing the blood supply, by strength surveys increasing the blood supply, by strength stomach and organs of diggestion; and nutrition, and thus increasing the stomach and organs of diggestion; and nutritive powers. "Golden Medical Discovery" makes grand old men.

"I suffered for six years with constipation and indigestion, during which time I employed several physicians, but they could not retain model on the foor. I commenced taking Dr. Pierce's Golden Medical Discovery and little Pellets. I am now in good health for one of my age for years. I owe it all to Dr. Pierce's medicines."

Dr. Pierce's Pellets greatly benefit old men by kceping the bowels in activity.

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the system. Soon every sign and symptom disappears completely and forever. No "BREAKING OUT" of the disease on the skin Treatment contains no dangerous drugs or injurious medicines.

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WASTING WEAKNESS INVOLUNTARY LOSSES, with EARLY DECAY in Young and MIDILE AGED, tack of vim, vigor and strength, with sexual organs innaired and weak.

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